6629681/2022/SER-D-GAD01

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

General Administration Department – Constitution of a Committee of Officers to study the Horizontal Reservation in respect of Women, Persons with Benchmark Disabilities, Ex-servicemen, Meritorious Sportspersons in appointments by Direct recruitment and furnish their considered opinion and guidelines on implementation of Horizontal Reservation - Orders - Issued.

GENERAL ADMINISTRATION (SER.D) DEPARTMENT

G.O.Ms.No.140 Dated:16.11.2022
Read:-

Judgment of Supreme Court in Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others etc reported in(2007) 8 SCC 785.

O R D E R :

In the Judgement read above, the Supreme Court, in Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007(8) SCC 785] held that, 'Social reservations in favour of SC, ST and OBC under Article 16(4) are 'vertical reservations'. Special reservations in favour of physically handicapped, women, etc. under Articles 16(1) or 15(3) are 'horizontal reservations''. Where a vertical reservation is made in favour of a Backward Class under Article 16(4), the candidates belonging to such Backward Class, may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be counted against the quota reserved for the respective Backward Class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said that the reservation quota for SCs stood filled. The entire reservation quota will be intact and available in addition to those selected under open competition category.

2. But the said principle applicable to vertical (social) reservations, will not apply to horizontal (special) reservations. Where a special reservation for women is provided within the social reservation for SCs, the proper procedure is first to fill up the quota for SCs in order of merit and then find out the number of candidates among them who belong to the special reservation group of 'Scheduled Caste Women''. If the number of women in such list is equal to or more than number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall, the requisite number of Scheduled Caste Women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes'.

3. The same view was taken by the Hon'ble Apex Court in its judgment in Public Service Commission, Uttaranchal vs. Mamta Bisht (2010(12) SCC 204).

4. Government after careful examination of the matter, hereby constitute a Committee with the following officials to study the Horizontal Reservation in respect of Women, Persons with Benchmark Disabilities, Ex-servicemen, Meritorious Sportspersons and furnish appropriate proposals and guidelines on implementation of Horizontal Reservation and on how to operate 100 Roster Points horizontally in appointments by Direct recruitment and by promotions for various categories of posts of Women, Meritorious Sports

(p.t.o.)

Persons, Ex-Servicemen and the persons with Benchmarks Disabilities:

1. The Principal Secretary to Government, Social Welfare Department	: Chairperson
2. Principal Secretary to Government, B.C. Welfare Department	: Member
3. Principal Secretary to Government, Department for WCDA &SC	: Member
4. Principal Secretary to Government, Home Department	: Member
5. Principal Secretary to Government, YAT & C(Sports & YS) Department	: Member
6. Principal Secretary to Government, Higher Education Department	: Member
7. Principal Secretary to Government, Tribal Welfare Department	: Member
8. Secretary to Government (Services & HRM), General Administration Department	: Member/ Convenor

5. The above Committee shall submit the report to Government within one month positively.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.SAMEER SHARMA
CHIEF SECRETARY TO GOVERNMENT

To
The Chairperson of the Committee.
The Principal Secretary to Government,
B.C. Welfare Department.
The Principal Secretary to Government,
Department for WCDA &SC.
The Principal Secretary to Government,
Home Department.
The Principal Secretary to Government,
Higher Education Department.
The Principal Secretary to Government,
YAT & C(Sports & YS)Department.
The Principal Secretary to Government,
Tribal Welfare Department
The Secretary to Government (Services & HRM),
General Administration Department.
Copy to:
The P.S. to C.S.
The P.S. to Secretary (Ser), General Administration Department.

//FORWARDED :: BY ORDER//

V. Haribabu
SECTION OFFICER